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8                   UNITED STATES DISTRICT COURT  
9                   WESTERN DISTRICT OF WASHINGTON  
10                  AT TACOMA

11                  NATHEN W. BARTON,

12                  Plaintiff,

13                  v.

14                  JOE DELFGAUW et al.,

15                  Defendant.

CASE NO. 3:21-cv-05610-DGE

SHOW CAUSE HEARING  
SUMMARY

16                  The following is a summary of the Court's rulings on the parties' various pending  
17 motions. (Dkt. Nos. 305, 307, 312, 316, 327.) For the reasons stated during the January 29,  
18 2024 hearing, the Court ORDERS as follows:

19

20 Motions in Limine (Dkt. Nos. 305, 307) and Pretrial Submissions

21                  The Court STRIKES the pending motions in limine, as well as other pretrial documents  
22 the parties have filed (Dkt. Nos. 318, 321, 322, 323, 324). The Parties SHALL file all pretrial  
23 documents in accordance with the local court rules and the order identifying the new trial date.

1 Motion to Withdraw Certain Admissions (Dkt. No. 312)

2       The Court DENIES Defendants' motion to withdraw certain admissions based on their  
3 failure to meet the facial requirements of Federal Rule of Civil Procedure 36(b). However, the  
4 Court ORDERS Defendants file briefing discussing with specificity which of the 130 RFAs in  
5 Plaintiff's Notices of Stipulated Facts (Dkt. Nos. 299, 301, 303) are improper. This briefing is  
6 due March 14, 2024 and Plaintiff must respond within 30 days of Defendants' filing.

7       All other RFA's which Defendants previously affirmatively admitted remain  
8 ADMITTED.

9 Motion to Continue or Withdraw as Counsel (Dkt. No. 316)

10       The Court GRANTS a continuance of trial, to commence June 17, 2024. The Court  
11 ORDERS Defendants inform the Court of any changes in counsel by February 28, 2024. The  
12 Court will not reopen discovery or allow for additional dispositive motions.

13 Motion for Default (Dkt. No. 327)

14       The Court DENIES the motion for default.

15 Settlement Conference

16       The Court recommends the parties consider mediation with a settlement judge. The  
17 Court ORDERS the parties to meet and confer on willingness to participate in a settlement  
18 conference. The parties shall inform the Court of their decision at the earliest possible date.

19 Sanctions

20       The Court ORDERS sanctions on Defendants and their counsel in the amount of \$5000.  
21 Defendants and their counsel must immediately pay \$2500 directly to Plaintiff and \$2500 to the  
22 Clerk of the Court.

The Court DENIES Defendants' request for sanctions against Plaintiff. (Dkt. No. 331 at 4.) The Court notes that, out of professional courtesy, Plaintiff should channel all communications with Defendants through their counsel of record.

DATED this 29th day of January 2024.



**David G. Estudillo**  
United States District Judge